



**OFFICE OF THE
SECRETARY OF STATE**

STATEMENT OF EMERGENCY

Pursuant to NRS 233B.0613(1)

As Secretary of State, I have determined that there is an immediate need for an emergency regulation related to certain provisions of Assembly Bill 4 (AB4), which was passed in the 32nd Special Session of the Nevada Legislature. Specifically, sections 21, 40, 44, 70, and 75 of AB4 require clarification so that certain individuals who return ballots on behalf of other voters are required to file a notice with the Secretary of State. This clarification is needed to ensure the Secretary of State has the information necessary to investigate and stop illegal activity associated with ballot harvesting.

Since 1993, state law has prohibited what is known as ballot harvesting, or the practice of third parties soliciting and returning completed ballots on behalf of voters. This prohibition made it unlawful for a person other than the voter to return a ballot on behalf of the voter. In 1999, the law was amended to allow authorized family members to return a ballot on behalf of a voter, but the general prohibition on ballot harvesting remained. Both the 1993 bill ([Senate Bill 250](#)) and the 1999 bill ([Assembly Bill 614](#)) were passed with bipartisan support.

In approving AB4, specifically the provisions related to ballot harvesting, the Legislature eliminated an enduring state law that served to protect the integrity of elections. Notably, prior to the passage of AB4, engaging in ballot harvesting was punishable as a felony. The severity of the punishment associated with the act of ballot harvesting reflected the Legislature's longstanding recognition of the threat associated with allowing third parties to handle ballots on behalf of voters. Rather than take a measured approach to address ballot access by expanding the list of people eligible to return a ballot on behalf of a voter, the Legislature removed the ballot harvesting ban completely, turning what was a criminal act into something state law now explicitly allows.

The proposed emergency regulation would not reinstate the ban on ballot harvesting because it is not my role to create new laws. Instead, the proposed emergency regulation would require any individual engaged in ballot harvesting (defined in the regulation as a person who returns 10 or more completed ballots at the direction of any other voters) to report to the Secretary of State their name, the names of the individuals they returned ballots on behalf of, and the location(s) where the ballots were returned. The regulation would also require these individuals, known as ballot harvesters, to list any corporate, political, or advocacy entity with which the individual is associated.

We know from the experiences of other states that bad actors have exploited ballot harvesting as a means to suppress certain votes or alter ballots. By having the information required by this emergency regulation, election officials will be able to properly investigate any illegal activity associated with the practice of ballot harvesting.

With the 2020 general election less than 80 days away, it is imperative that this clarifying administrative regulation be promulgated without delay to ensure an accurate election with equitable access provided to all eligible Nevada voters. In order to accomplish this objective, I respectfully request your endorsement of the attached emergency regulation.

Sincerely,



Barbara K. Cegavske
Secretary of State



OFFICE OF THE
SECRETARY OF STATE

EMERGENCY REGULATION OF THE
NEVADA SECRETARY OF STATE

Explanation—matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: NRS 293.124; NRS 293.247; and NRS 233B.0613.

A REGULATION relating to elections; clarifying that an individual authorized by a voter to return a mail ballot on behalf of the voter by mail or personal delivery must file a statement with the Secretary of State if returning ten (10) or more ballots; clarifying that an individual who returns a mail ballot on behalf of the voter by mail or personal delivery must complete notice to the Secretary of State by 5:00 p.m. on the seventh (7th) day after election day.

Explanation: Due to the public health emergency following the COVID-19 pandemic, Assembly Bill No. 4 was introduced and passed by the 32nd Special Session of the Nevada Legislature. Assembly Bill 4 makes various substantial changes to elections procedure both during “affected” elections, as defined in Assembly Bill 4, and elections generally. This regulation will provide clarity to the requirements of casting a ballot on another voter’s behalf and ensure the Secretary of State has the necessary information to enforce the law.

Section 1. NAC 293 is hereby amended by adding thereto the provisions set forth in sections 2 through 5 of this emergency regulation.

Sec. 2. *1. As used in this emergency regulation, the terms defined in this section have the meanings ascribed to them in this section.*

2. “Ballot harvester” means an individual who returns ten (10) or more completed ballots at the direction of any other voters by mail or personal delivery to the county or city clerk, as applicable, or any ballot drop box established in the county or city, as applicable, for any primary or general election, primary city election or general city election, or special election.

3. “Mail ballot” has the same definition as found in Assembly Bill 4, 32nd Special Session of the Nevada Legislature.

Sec. 3. *A ballot harvester shall submit a written statement to the Secretary of State that includes the name and residential address of all voters on whose behalf ballots have been returned by the ballot harvester. The statement shall also include:*

- (a) the physical address of the location or locations where the ballots were returned; and*
- (b) the name of any and all corporate, political or advocacy entities with which the ballot harvester is employed or otherwise associated if the ballot return assistance is made in conjunction with such association.*

Sec. 4. *The statement described in Section 3 of this emergency regulation shall be submitted to the Secretary of State no later than 5:00 p.m. on the seventh (7th) day following the date of the election.*

Sec. 5. *The statement described in Section 3 of this emergency regulation shall be made on a prescribed form that will be designed and implemented by the Secretary of State and made available to the public through the website maintained by the office of the Secretary of State.*

The Secretary of State has made a finding that an emergency exists, and that adoption of this emergency regulation is necessary and appropriate to ensure the integrity of the general election on November 3, 2020.

Dated this 17th day of August, 2020.



Barbara K. Cegavske
Secretary of State

I, Governor Steve Sisolak, endorse the Statement of Emergency presented by Secretary of State Barbara K. Cegavske.

Dated this ___ day of August, 2020.

Steve Sisolak
Governor